

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 18096 of 2002

Between:

M/s. Vijaya Durga Traders, C/o. Prameshwara Industries Modern Rice Mill,
Peddapapaipally village, Huzurabad, Karimnagar District, rep. by its
Proprietor, G. Varalaxmi,

W/o. Sambaiah, aged 47 years, R/o. 11-58, Near Viswa Pragathi School,
Huzurabad, Karimnagar District.

..... PETITIONER

AND

1. The District Collector (CS), Karimnagar, Karimnagar District.

2. The District manager, Food Corporation of India,

Karimnagar, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Mandamus declaring the Order dated 01.04.2002 in Proceedings No.MC/9/2002 No.G3/427/2002 issued by the 1st respondent directing the 2nd respondent not to accept the Mill Levy from the petitioner as illegal and arbitrary.

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondents.: MR.M.RATNA REDDY

The Court made the following ORDER:

Heard both sides.

The petitioner herein, who is running a Rice Mill, filed this writ petition, *inter alia*, seeking writ of mandamus challenging the impugned proceedings dated 01.04.2002, whereunder the first respondent directed the second respondent not to accept the Mill Levy from the petitioner.

The main contention urged on behalf of the petitioner is that virtually the impugned order amounts to black listing. The impugned order is passed without any notice or opportunity to the petitioner and the same is liable to be set aside. Hence, the present writ petition.

In the counter-affidavit, filed on behalf of the respondents, it is stated that no reason has been shown, as to why such impugned order came to be passed.

The learned counsel appearing for the respondents submitted that he has received instructions that the case is pending before the District Collector under the provisions of the EC Act and therefore, the impugned order is perfectly right.

Having regard to the facts and circumstances of the case and on perusal of the material available on record it is seen that admittedly, the impugned order does not show about issuance of any prior notice nor giving any opportunity as such. Further, the impugned order also does not show as to why such direction not to accept Mill Levy is given. Even accepting the contention made on behalf of the respondents

about the pendency of the disciplinary case, it is not a ground to direct second respondent not to accept Mill Levy and therefore, the impugned order is liable to be set aside.

The writ petition is accordingly allowed and the impugned order is set aside. It shall always open to the respondents to take any action if warranted under any circumstances. No costs.

B.Prakash Rao, J

Date: 25.10.2004

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the twenty fifth day of October, Two Thousand and Four.

To

1. The District Collector (CS), Karimnagar, Karimnagar District.
2. The District manager, Food Corporation of India,
Karimnagar, Karimnagar District.

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